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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 17th December, 1993:—

I

BILL No. LVIII OF 1993

A Bill to provide special educational facilities to the children of scavengers or Safai Karamcharis who were in the past engaged in or employed for manually carrying human excreta in the country and for matter connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Educational Facilities for Children of Manual Scavengers Act, 1993. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Attendance Authority" means Attendance Authorities appointed under section 7;

(c) "parent" in relation to any child of a scavenger includes a guardian and every person who has the actual custody of the child;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Scavenger" means a person who had been engaged or employed for manually carrying human excreta before the commencement of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. 46 of 1993.

Survey to be conducted by appropriate Government.

3. It shall be the duty of the appropriate Government to conduct survey in the area under its jurisdiction to find out the children of scavengers and prepare a list of such children in such manner as may be prescribed, who are to be imparted education by such Government and shall cause he list to be revised to such intervals as may be prescribed.

Special educational facilities to children born of scavenger parents.

4. The appropriate Government shall provide following educational facilities to every child born of a scavenger parent namely:—

(a) free education from school level to the post graduate level including higher medical and technical education;

(b) free hostel facilities, uniform, books, stationery, transportation and such other assistance and facilities as are required for the proper education of the child;

(c) monthly scholarships in deserving cases at such rates as may be prescribed while pursuing his studies.

Responsibility of scavenger parent to his child to attend school etc.

5. It shall be the duty of the scavenger parent of every child to cause the child to attend an approved school, college or institution, as the case may be.

Children of Scavengers not to be employed so as to prevent them from attending school etc.

6. No person shall employ a child of a scavenger in a manner which shall prevent the child from attending a school or educational institution.

Attendance Authorities.

7. The appropriate Government may appoint as many persons as it thinks fit to be Attendance Authorities for the purposes of this Act and may also appoint as many persons as it considers necessary to assist the Attendance Authorities in the discharge of their duties in carrying out the purposes of this Act.

Special provision for part-time education in certain cases.

8. If the attendance authority is satisfied that the child of scavenger parent, due to economic or other circumstances connected with the family to which the child belongs is unable to attend the school or educational institution, it may, by order and subject to such conditions, if any, as it may think fit to impose, permit the child to attend any approved school or institution established as a part time institution.

Power to make rules.

9. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

For centuries the practice of employing persons for carrying human excreta on their heads or like wise is in existence in every part of our country. In fact it has become a hereditary profession and generation after generation the scavengers have no other option but to perform scavenging jobs for their subsistence. This has resulted in total illiteracy among the children of scavengers who if given proper chance can prove to be genius and outstanding students but they are forced to do the scavenging jobs which is a continuing stigma on our social fabric. To do away with this dehumanising practice the Government have recently got enacted through the Parliament a legislation titled the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 which makes the employment or engagement of manual scavengers a punishable offence. But this is not enough. This have to remove the causes from their roots. We have to educate the scavengers particularly their children, majority of whom live below the poverty line. Their income is meagre and they struggle throughout their lives just to make both ends meet so they can not even think of primary education what to talk of higher education including technical education.

It is, therefore, necessary that the Central and State Governments should provide free educational facilities including higher studies to the children of scavengers for their proper upliftment. They should be provided with books, uniforms, stationery, transportation and hostel facilities to help them in getting better opportunities of employment and raise their standard of living. Then only the abnoxious practice of manual scavenging can be wiped out from our country.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that appropriate Government shall conduct a survey to find out the children of scavengers who require education. Clause 4 provides for special educational facilities for the children of Scavengers. Clause 7 provides for the appointment of Attendance authorities. This Bill, if enacted and brought into operation will involve a recurring expenditure of about one hundred crore rupees from the Consolidated Fund of India per annum.

A non recurring expenditure of rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

II

BILL No. LVI OF 1993

A Bill to provide for a comprehensive insurance scheme to cover life, luggage and other belongings of the railway passengers and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*)This Act may be called the Railway Passengers' Insurance Scheme Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act unless the context otherwise requires,—

(*a*) "Scheme" means the Insurance Scheme formulated under section 3.

(*b*) terms used but not defined in this Act and defined in the Railways Act, 1989 shall have the meanings and references respectively assigned to them in that Act. 24 of 1989.

Railway Passenger's Insurance Scheme.

3. (1) The Railway Administrations shall frame a Scheme to be known as "Railway Passengers' Insurance Scheme" (hereinafter referred to in this Act as the Scheme) for compulsory Insurance of the railway passengers, their baggage and belongings for the entire stretch of the journey to be performed by them on the railways.

(2) The Scheme shall, among other things, provide for—

(*a*) the terms and conditions of railway passengers' insurance;

(*b*) the extent to which losses may be covered; and

(*c*) the rate of premium to be paid by the passengers.

Railway Administration and Railway Claims Tribunal to administer the Scheme.

4. The Scheme shall be administered by the Railway Administrations and the Railway Claims Tribunal.

The Railway Passengers' Insurance Fund.

5. The Central Government shall, by notification in the official gazette, establish a Railway Passengers' Insurance Fund which shall consist of—

(*a*) Premium amounts charged from the railway passengers for the insurance;

(*b*) any grants made to the fund by the Union Government or the Railway Administration;

(*c*) any money received as donations for the purpose of this Act; and

(*d*) any income from investment of the amounts of the Fund.

Payment of Insurance amount.

24 of 1989.

6. Notwithstanding anything contained in the Railways Act, 1989 or in any other law for the time being in force, if a railway passenger when in the course of his journey by train dies or is injured during a robbery or due to any assault by an intruder or by any thief while committing crime therein or by any riotous mob or otherwise, or loses his luggage or personal belongings in any such circumstances, shall be paid full insurance amount by the Railway Administrations to the extent of injury or loss suffered by him from the insurance fund.

Claims for Insurance amount.

54 of 1987.
24 of 1989

7. Notwithstanding anything contained in the Railway Claims Tribunal Act, 1987 or the Railways Act, 1989, an application for insurance claim may be made to the Claims Tribunal which shall dispose such an application at the earliest but not later than ninety days from the receipt of such application from—

(*a*) the passenger who has sustained injury or suffered any loss of luggage or personal belongings; or

(b) any agent duly authorised by such passenger on his behalf;

(c) any of the parents or guardian where such passenger is a minor; or

(d) in case of death of a passenger, any dependent or legal heir of the deceased or where such a dependent is minor, by his guardian.

Saving of other laws.

8. The provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Railways are the biggest mode of transport in our country. Daily, it carries millions of passengers from one corner of the country to the other, through its vast network. Similarly, it also carries goods worth crores of rupees every day from place to place. As such, it is the largest revenue earning organisation of the Government. The entire railway operation in India is under the exclusive control of the Central Government. Though the Railways earn crores of rupees from the passengers every day, it has almost completely ignored the aspect of providing security to the life and property of the travelling passengers and payment of due compensation in the event of loss of life and belongings or either of the two in dacoity, robbery, theft or hostility in course of the journey by Rail. Theft of personal belongings of passengers during train travel is very common. Very often robberies and dacoities have also been taking place in the trains. During such daring act, robbers take away all the valuables from the hapless passengers at gun-point. Often passengers while offering resistance, are killed or seriously injured by such robbers, thieves or hooligans in trains and become victims of such criminal activities. There are certain areas which have earned notoriety for train dacoities. The Railways Act, 1989, which was enacted three year back is also silent on this issue though it provides compensation in cases of accidents only. It is often pointed out that dacoity, robbery, murder, injury, theft or baggage lifting are covered by "law and order" which is a State subject and that it is the responsibility of the respective State Administrations in whose jurisdiction the crime is committed. Thus, the Railways are depriving its passengers their due share or compensation which otherwise should have been paid to them by the railways. The justification for the compensation is that when the railway is earning from the passengers, it must also bear his losses suffered during the journey, as well. Moreover when a crime is committed in a running train, often it starts in a particular State but finally executed in another State. So none of the two administrations accepts the responsibility of the incident and tends to pass the buck to the other. Ordinary passenger cannot fight this apathy of the administration or carry on protracted legal battle against it.

As such, the responsibility of providing complete security to the life and property of travelling passengers during the course of their train journey, must rest with the railways and the onus of paying compensation against loss of luggage and life of passenger during the train journey must also lie with Railways. Of course, a problem may arise regarding availability of resources to meet such responsibility effectively. To cope with that, Railways may introduce an insurance scheme spreading the component of total premium to each passenger either on pro-rata or on a flat rate per ticket per-head basis. The total additional revenue so generated can be accumulated in an Insurance Fund from which the requisitions for compensation can be easily catered to. Therefore, resources may not be a problem at all. The only thing required in this direction is the will of the railway administration to accept this social responsibility. During the current financial year *i.e.* 1993-94 the

Union Government has shown a bit of this will by announcing insurance scheme for those passengers who may be killed in trains in terrorist violance. Though it is a good beginning but certainly not enough in the large interest of the general railway passengers. The Government has a normal responsibility to introduce a comprehensive insurance scheme for the railway passengers without further loss of time.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the framing of Railway Passengers' Insurance Scheme. Clause 4 provides that the Railway Administrations shall administer the Scheme. Clause 5 provides for the grants made to the fund by the Central Government. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

It is also likely to involve non-recurring expenditure of about rupees ten lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the above delegation will be a matter of details only, the delegation of legislative power is of normal character.

III

BILL No. LXXII OF 1993

A Bill to give the citizens a right to reply to the allegation or insinuation made against them or misreporting, misquoting or misrepresentation concerning them published in newspaper, news-magazine and such other publications and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Citizens Right to Reply in Newspapers and news-magazines Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "magazine" includes any printed periodical work containing public news or comments on public news, articles, interviews, stories, factual or fiction, published weekly, biweekly, monthly and any such publication as may, from time to time, be notified by the Central Government to be a magazine;

(b) "medium newspaper" means a newspaper whose average daily circulation is less than fifty thousand copies for each issue;

(c) "newspaper" means any printed periodical work containing public news or comments published on daily basis;

(d) "Press Council" means the Press Council of India established under the Press Council Act, 1978; 37 of 1978.

(e) "small newspaper" means a newspaper whose average daily circulation is less than twenty five-thousand copies for each issue.

Right to reply in newspapers and magazines.

3. Every citizen including an organisation of persons, a company, firm or partnership of citizens shall have the right to require the editor and publisher of a newspaper or magazine, as the case may be, to print a reply to a factually inaccurate, distorted or misquoted report involving that citizen organisation, company, firm or partnership when such report has been made in such newspaper or magazine for which such editor and publisher are responsible.

Replies to be published within prescribed time.

4. The replies sought to be printed under section 3 shall be printed by the newspaper or magazine, as the case may be, within two days of their receipt in the case of a daily newspaper and in the immediate next issue in the case of a magazine.

Procedure for publication of reply.

5. The replies sought to be published under section 3 shall be printed free of cost by the concerned newspaper or magazine, as the case may be, and shall be of equal length to the report replied to and shall be printed on the same page, at the same position and in the same type as the report replied to by such newspaper or magazine.

Appeal.

6. Any editor or publisher of a newspaper or magazine, as the case may be may approach within two days of the receipt of the requisition to print the reply in his newspaper or magazine to the Press Council of India and the Press Council shall, as soon as may be, dispose the matter and the decision of the Press Council thereon shall be final and binding on both the parties.

Penalty.

7. If any editor or publisher who.—

(i) fails to publish a reply in the concerned newspaper or magazine within the prescribed time; or

(ii) fails to abide by the decision of the Press Council of India under section 6;

shall be guilty of an offence under this Act and shall be punishable on conviction with a fine of not less than,—

(a) rupees Thirty thousand in the case of small newspapers;

(b) rupees Fifty thousand in the case of a medium newspaper;

(c) rupees Eighty thousand in the case of a magazine; and

(d) rupees One lakh in case of other newspapers.

STATEMENT OF OBJECT AND REASONS

Press, publishing newspapers and magazines, is considered to be the fourth pillar of democracy. In fact it is the watchdog of democracy because it is the Press which highlights the misdeeds of those who are in power and at the helm of affairs of the nation following democracy. The Press highlights the achievements and weaknesses of Governments. Generally press by and large is quite responsible in our country. But unfortunately there is a section of the press which indulges in misreporting and misrepresentation. A person's reputation or business can be ruined by a single false newspaper report. The politicians generally give interviews to newspaper correspondents on the political and other developments in the country but experience shows that few of them deliberately misreport even taped interviews to tarnish the political image of such politician. If the Press report is challenged a small line of regret is published at a corner which generally goes unnoticed. Taking legal action against persons responsible for such reports is an expensive and time consuming process. The person misreporting or misquoting knows all this so he indulges in such reporting fearlessly. It is, therefore, necessary to provide for a statutory right of reply in the concerned newspaper or magazine to ensure that individuals, associations, companies, firms or partnerships, politicians, bureaucrats etc. can set the record straight in the newspaper and magazine. Some democratic countries such as France, Germany, Canada Denmark etc. already have similar laws to protect their citizens from misreporting or misquoting.

Hence this Bill.

S. S. AHLUWALIA

V. S. RAMA DEVI
Secretary-General.

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